

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
WILEY GRIFFIN, IV,	:	
ELIZABETH CROLEY,	:	
ROBERT WADE UMBACH, and	:	Case No. 1:14-CR-00029-WLS
CHRISTOPHER KINES, Defendants.	:	

**MOTION FOR JUDGMENT OF ACQUITTAL NOTWITHSTANDING
THE VERDICT OR, IN THE ALTERNATIVE, FOR A NEW TRIAL**

Comes now Elizabeth Croley (hereinafter “Ms. Croley” and “the defendant”) and moves this court to grant a judgment of acquittal notwithstanding the verdict or, in the alternative, a new trial. Ms. Croley also requests that she be allowed to incorporate and adopt the arguments of Defendant Robert Umbach and Defendant Christopher Kines. Ms. Croley respectfully requests the Court to grant her motion based on the following showing:

1. The defendant, through counsel, moved for a directed verdict at the close of the government’s evidence. The court, as authorized by Fed.R.Crim.P. 29(b), reserved ruling on the motion.
2. The case was submitted to the jury on June 9th, 2015, and verdicts of guilty were returned on counts two and three of the indictment on June 10th, 2015.
3. Ms. Croley respectfully maintains she is entitled to acquittal on count two of the indictment, as the evidence presented at trial did not contain the entire record of the Parrish trial from the Superior Court in Decatur County, Georgia. Therefore, it would be impossible for a jury to make an accurate determination.

4. The defendant further shows she is entitled to acquittal on count three of the indictment, due to the arguments previously made at the close of the Government's case, as well as, the Courts erroneous jury charge as to the use of the conjunctive "and/or", which led to a constructive amendment to the indictment.

5. Ms. Croley is entitled to acquittal notwithstanding the verdict of counts two and three of the indictment, as the evidence was insufficient to support the conviction.

6. Ms. Croley now renews her motion for directed verdict, and moves this court to set aside the verdicts of guilty returned on counts two and three of the indictment, and to enter a judgment of acquittal.

7. Ms. Croley, alternatively, moves this court for a new trial, as authorized by Fed.R.Crim.P. 33(a), showing the facts proved at trial do not support the allegations of the indictment and the erroneous jury instruction dealing with the "and/or" conjunctive.

8. The defendant submits a brief in support of this motion, though she requests an opportunity to supplement same, with citations to the transcript, and with further authority, once the transcript is available.

WHEREFORE, Ms. Croley moves this court for judgment of acquittal notwithstanding the verdict or, in the alternative, a new trial.

This 10th day of July, 2015.

/s Joshua C. Bell
The Law Office of Joshua C. Bell, LLC
Ga. Bar No. 048798
Attorney for Defendant Croley
Post Office Box 45
Whigham, Georgia 39897
Telephone: (229) 762-4000
Facsimile: (229) 762-4010
E-mail: josh@joshuabell.net

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA,

vs.

Case No.: 1:14-CR-00029-WLS

**WILEY GRIFFIN, IV, ELIZABETH
CROLEY, ROBERT WADE UMBACH, and
CHRISTOPHER KINES,**

Defendants

CERTIFICATE OF SERVICE

I, Joshua C. Bell, hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, who will send notification and a copy of such to all counsel of record.

This the 10th day of July, 2015.

/s Joshua C. Bell
The Law Office of Joshua C. Bell, LLC
Ga. Bar No. 048798
Attorney for Defendant Croley
Post Office Box 45
Whigham, Georgia 39897
Telephone: (229) 762-4000
Facsimile: (229) 762-4010
E-mail: josh@joshuabell.net